

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Regional Headquarters
2300 N. Dr. ML King Drive, PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8483
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September 27, 1999

Mr. Steven A. Hoelter, President
Atlas Sales
2828 South 16th Street
Milwaukee, WI 53215

Subject: Case Closure, Property at 106-124 Florida Street, Milwaukee, WI FID:
241976460, BRRTS: 02-41-201412.

Dear Mr. Hoelter:

This letter acknowledges the receipt of a copy of the filed deed restriction for the Florida Street property as referenced above. Based on the investigation and remedial documentation provided to the department, it appears that the above-named site is in compliance with the requirements of Chs. NR 700 to 724, Wis. Admin. Code. Therefore, the department considers the case closed, having determined that no further action is necessary at the site at this time and has been officially tracked as closed on the Departments tracking system. However, the case may be reopened pursuant to S. NR 726.09, Wis. Admin. Code, if additional information regarding site conditions indicates that contamination on or from the site poses a threat to public health, safety, welfare, or the environment.

The Department appreciates the actions you have taken to investigate and remediate the contamination at this site. If you have any questions or comments, please feel free to contact me at the above address or at (414) 263-8644.

Sincerely,

John J. Hnat
Hydrogeologist
Remediation and Redevelopment

C: Mark A. Yannett, GZA GeoEnvironmental
WDNE SER Files

RECEIVED
DNR/HEADQUARTERS
SED

1999 SEP 27 PM 2:15

REGISTER
OF DEEDS
WALTER R. BARCZAK
09-16-1999 10:57 AM

7803641 RESTRICTIONS 16.00
0

RECORDING FEE: 16.00

TOTAL: 16.00

CASH: 16.00

PHONE # 278-4005
016237

REGISTER
OF DEEDS
WALTER R. BARCZAK
09-16-1999 11:00 AM

2.00

COPY FEE: 2.00

TOTAL: 2.00

CASH: 2.00

PHONE # 278-4005
016239

Document Number

GROUNDWATER USE RESTRICTION

7803641

REGISTER'S OFFICE | SS
Milwaukee County, WI

RECORDED AT 10:57 AM

09-16-1999

REEL _____ IMAGE _____

WALTER R. BARCZAK
REGISTER OF DEEDS

AMOUNT 16.00

In re: The approximately 23,562 square-foot lot with the address 106 to 124 West Florida Street, City of Milwaukee, Milwaukee County, described as follows: Lots 11, 12, 13 and 14 of Block 17 (Walker Point) in the Northeast 1/4 of Section 32, Township 7 North, Range 22 East, excluding that part Northerly of the following described line: Commencing at a point in the East line of aforesaid Lot 14 thence North 00° 15' 20" West 107.21 feet from the Southwest corner of said Lot; thence North 78° 54' 06" West 119.29 feet to a point; thence North 89° 59' 37" West 75.05 feet to a point 10.00 feet South 00° 16' 38" East of the Northwest corner of said Lot 11.

Recording Area

Name and Return Address

Steve Hoelter
3812 N. Cramer St
Shorewood, WI 53211

Declaration of Restrictions

STATE OF WISCONSIN)

COUNTY OF MILWAUKEE)

SS

FID -241976460

Parcel Identification Number (PIN)

WHEREAS, Edward H. Hoelter is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred at this property. Petroleum-contaminated groundwater above NR 140 enforcement standards exists on this property at the following location(s): Methyl tert-butyl ether ("MTBE") in location Geoprobe-3 ("GP-3") at a concentration of 62.7 parts per billion ("ppb") and benzene in location Monitoring Well - 3 ("MW-3") at a concentration of 23 ppb, both approximately 8-10 feet below ground surface in the groundwater in the southwest vector of the property depicted on the attached diagram, "Exhibit 1", hereby made a part of this restriction and soil contamination exists at the following locations: lead ("Pb"), benzene, toluene and gasoline range organics from historic source(s) remains on this property in the following locations: in saturated zone soils located 8 to 9 feet below ground surface in the north and northwest sectors of the property, at locations P-3, P-4, P-5, P-7, P-9 and P-10 as depicted on the attached diagram, "Exhibit 2" hereby made a part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct additional soil or groundwater remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater exceeding ch. NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality exceeds the drinking water standards in ch. NR 809 is restricted by ch. NR 811 and ch. NR 812. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what

specific prohibitions or requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed or reconstructed on this property unless applicable requirements are met.

Petroleum related-contaminated soil may remain on this property at the locations described above. If this soil is excavated in the future it may be considered a solid waste and will need to be disposed of in accordance with applicable laws and regulations.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by, the Wisconsin Department of Natural Resources, its successors and assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that the restrictions set forth in this covenant are no longer required. Upon receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, with a copy of the Department's written determination, may be recorded to give notice that this groundwater use restriction, or portions of this groundwater use restriction are no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 14 day of September, 19 99.

Signature:

Eugene H. Hoelter and Suzanne Hoelter

Printed Name:

EUGENE H. HOELTER and Suzanne Hoelter

Subscribed and sworn to before me

This 14 day of September, 19 99

Verne Arla Luth

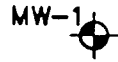
Notary Public, State of Wisconsin

My commission expires March 18, 2001

This document was drafted by the Wisconsin Department of Natural Resources.

EXHIBIT 1

LEGEND



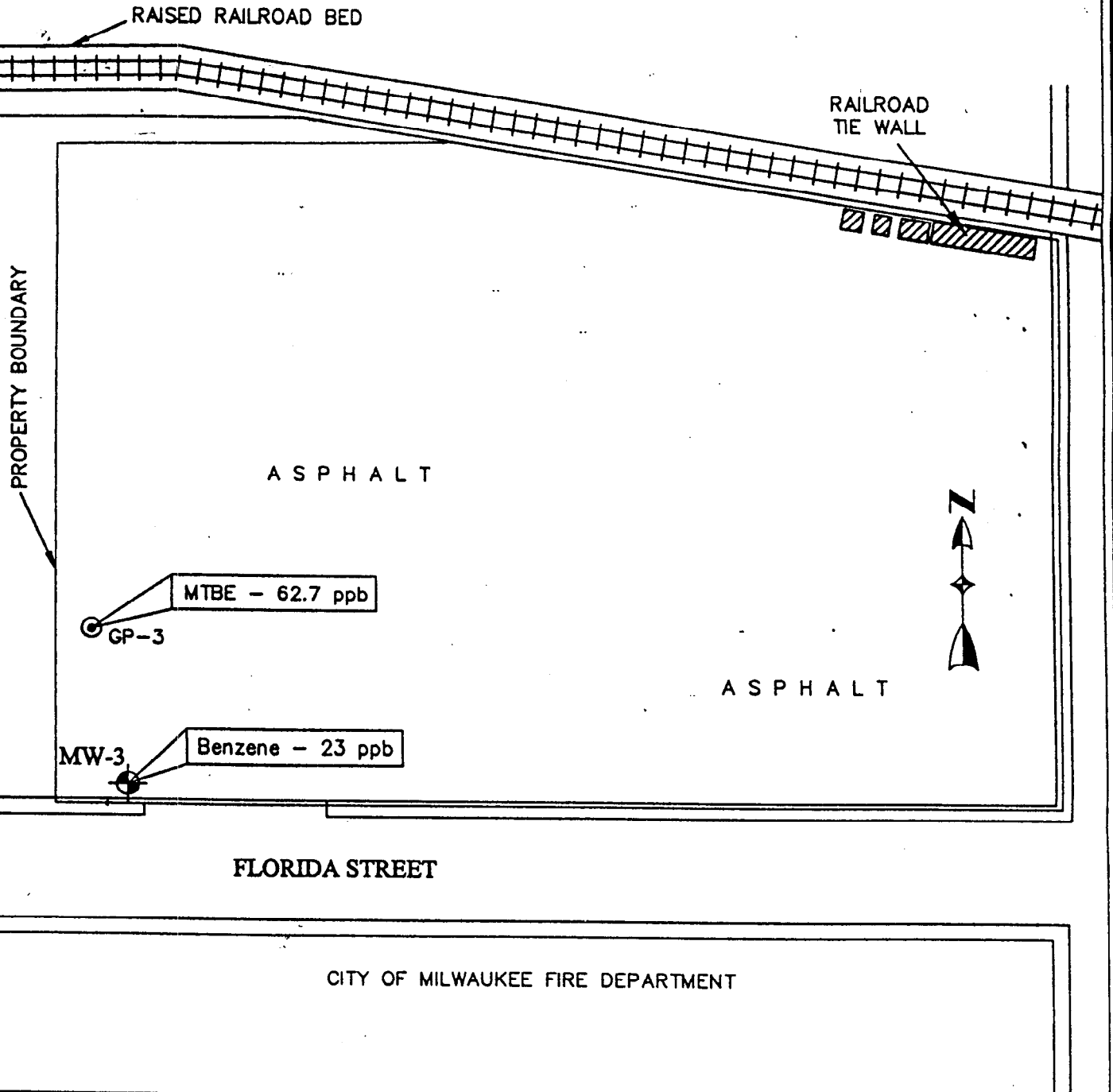
MONITORING WELL INSTALLED 12/21/98



PROBE BORING ADVANCED 12/21/98

MTBE - 62.7 ppb

----- Methyl-tert-butyl ether (MTBE)



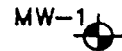
DATE: 5/10/99

SCALE 1" = 30'
0 15' 30'
APPROXIMATE

**SAMPLE LOCATIONS WITH GROUNDWATER
RESIDUAL CONTAMINATION LEVELS**

**106-124 W. FLORIDA ST.
MILWAUKEE WISCONSIN**

**GROUNDWATER
USE
RESTRICTION**

LEGEND

MONITORING WELL INSTALLED 12/21/98



PROBE BORING ADVANCED 12/21/98



DRAKE PROBE BORINGS ADVANCED 8/12/98

8-9 Feet bgs
GRO - 420 ppm

FEET BELOW GROUND SURFACE (bgs)
GASOLINE RANGE ORGANICS (GRO)

RAISED RAILROAD BED

RAILROAD
TIE WALL

PROPERTY BOUNDARY

P-3

8-9 Feet bgs
Lead - 6,400 ppm

P-4

8-9 Feet bgs
Benzene - 160 ppm

A S P H A L T

P-5

8-9 Feet bgs
GRO - 420 ppm
Lead - 110 ppm

P-7

8-9 Feet bgs
Lead - 250 ppm

GP-3

MW-3

P-10

P-9

8-9 Feet bgs
GRO - 170 ppm
Benzene - 540 ppb
Toluene - 2,200 ppb
Lead - 100 ppm

8-9 Feet bgs
Lead - 160 ppm

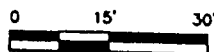
A S P H A L T



FLORIDA STREET

CITY OF MILWAUKEE FIRE DEPARTMENT

SCALE 1" = 30'



APPROXIMATE

SAMPLE LOCATIONS WITH SOIL
RESIDUAL CONTAMINATION LEVELS

106-124 W. FLORIDA ST.
MILWAUKEE WISCONSIN

DEED
NOTICE

DATE: 5/10/99



106-124 W. FLORIDA ST.
MILWAUKEE WISCONSIN

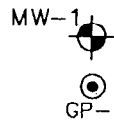
A horizontal scale bar with a black background and white markings. The number '0' is at the left end and '2000' is at the right end. There are tick marks every 1000 units, with a longer tick mark at the 1000-unit point.

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LEGEND



GZA MONITORING WELL INSTALLED 12/21/98

GZA PROBE BORING ADVANCED 12/21/98

RAISED RAILROAD BED

RAILROAD
TIE WALL

MW-1

GP-2

BILLBOARD

MW-4

PROPERTY BOUNDARY

TRANSFORMER

ASPHALT

GP-3

ASPHALT

MW-3

MW-2

GP-4

FLORIDA STREET

CITY OF MILWAUKEE FIRE DEPARTMENT

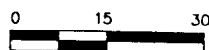
Notes

1. Site Map is based on measurements collected by GZA on December 12, 1998.

SOIL BORING & MONITORING WELL
LOCATIONS

106-124 W. FLORIDA ST.
MILWAUKEE WISCONSIN

SCALE 1" = 30'



APPROXIMATE

DRAWN BY: RPK

REVIEWED BY:

DATE: 5/10/99

FILENAME: H:\DWG\150361\FIG1-3.DWG

FILE NO.

150361.00



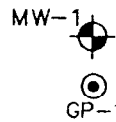
GZA
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FIGURE NO.

2

LEGEND

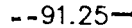


MW-1 GZA MONITORING WELL INSTALLED 12/21/98

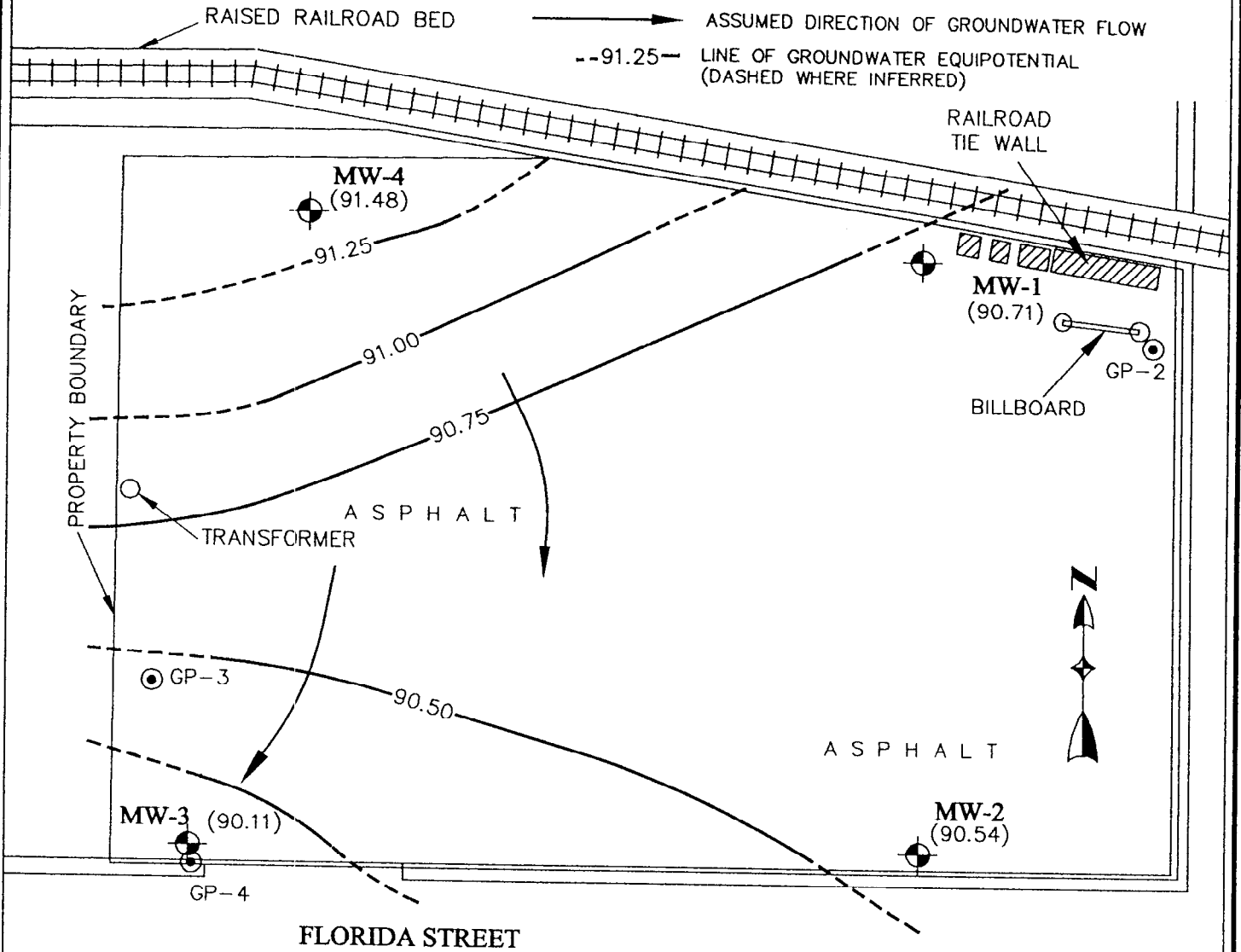
GP-1 GZA PROBE BORING ADVANCED 12/21/98



ASSUMED DIRECTION OF GROUNDWATER FLOW



LINE OF GROUNDWATER EQUIPOTENTIAL (DASHED WHERE INFERRED)



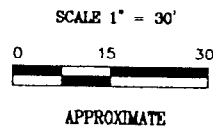
CITY OF MILWAUKEE FIRE DEPARTMENT

Notes

1. Site Map is based on measurements collected by GZA on December 12, 1998.
2. Monitoring well elevation data based on local site datum. Temporary benchmark (Elev. assumed at 100) at hydrant on northeast corner of the intersection of Florida St. & 1st St.

GROUNDWATER TABLE CONTOUR MAP
JANUARY 26, 1999

106-124 W. FLORIDA ST.
MILWAUKEE WISCONSIN



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DRAWN BY: RPK
REVIEWED BY:

DATE: 5/13/99

FILENAME: H:\DWG\150361\FIG1-5.DWG



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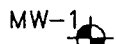
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150361.00

FIGURE NO.

3

LEGEND



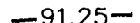
GZA MONITORING WELL INSTALLED 12/21/98



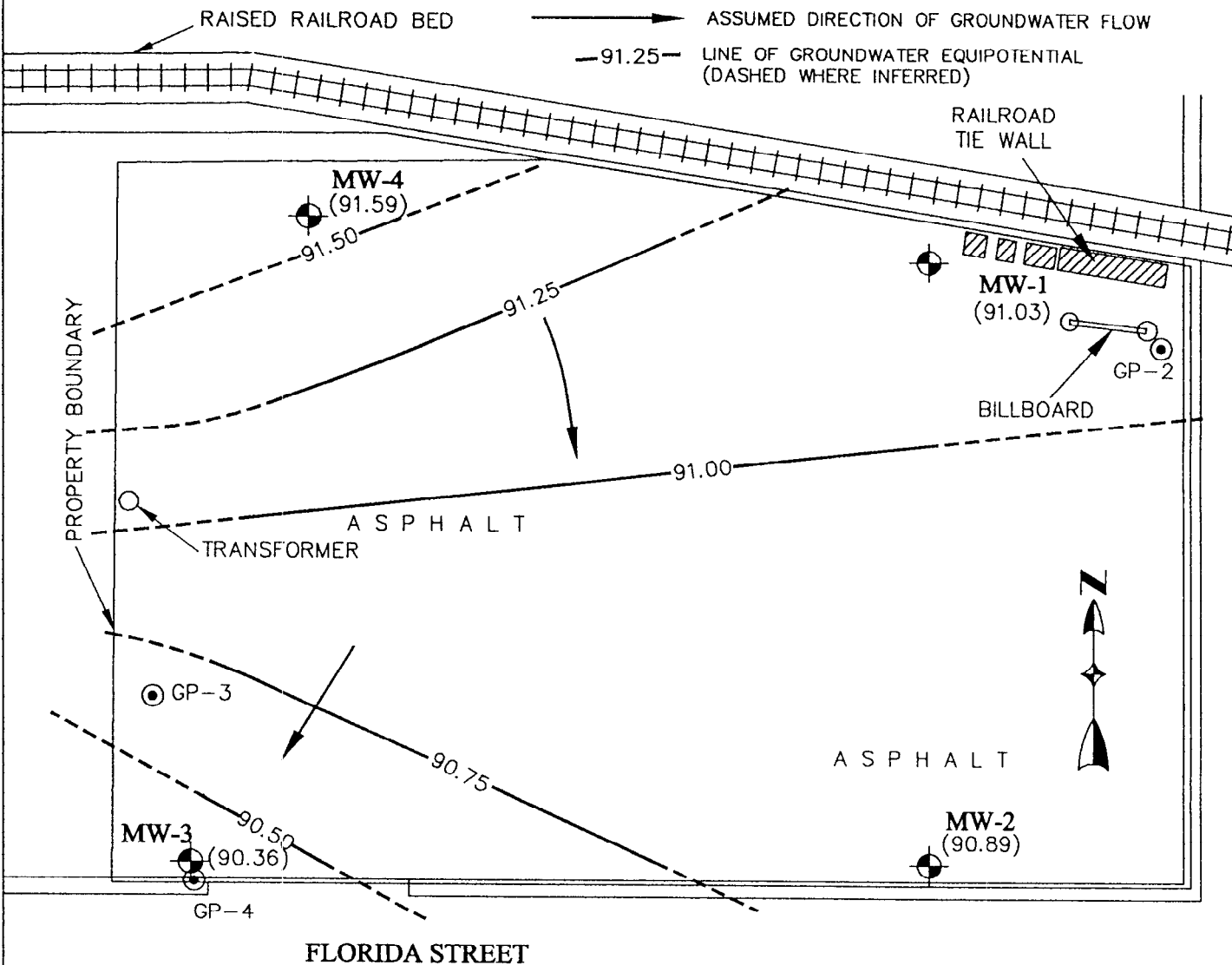
GZA PROBE BORING ADVANCED 12/21/98



ASSUMED DIRECTION OF GROUNDWATER FLOW



LINE OF GROUNDWATER EQUIPOTENTIAL
(DASHED WHERE INFERRED)



CITY OF MILWAUKEE FIRE DEPARTMENT

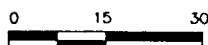
Notes

1. Site Map is based on measurements collected by GZA on December 12, 1998.
2. Monitoring well elevation data based on local site datum. Temporary benchmark (Elev. assumed at 100) at hydrant on northeast corner of the intersection of Florida St. & 1st St.

GROUNDWATER TABLE CONTOUR MAP
FEBRUARY 11, 1999

106-124 W. FLORIDA ST.
MILWAUKEE WISCONSIN

SCALE 1" = 30'



APPROXIMATE

© 1999 GZA GeoEnvironmental, Inc.

DRAWN BY: RPK

REVIEWED BY:

DATE: 5/13/99

FILENAME: H:\DWG\150361\FIG1-5.DWG



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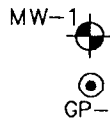
FILE NO.

150361.00

FIGURE NO.

4

LEGEND

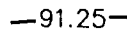


GZA MONITORING WELL INSTALLED 12/21/98

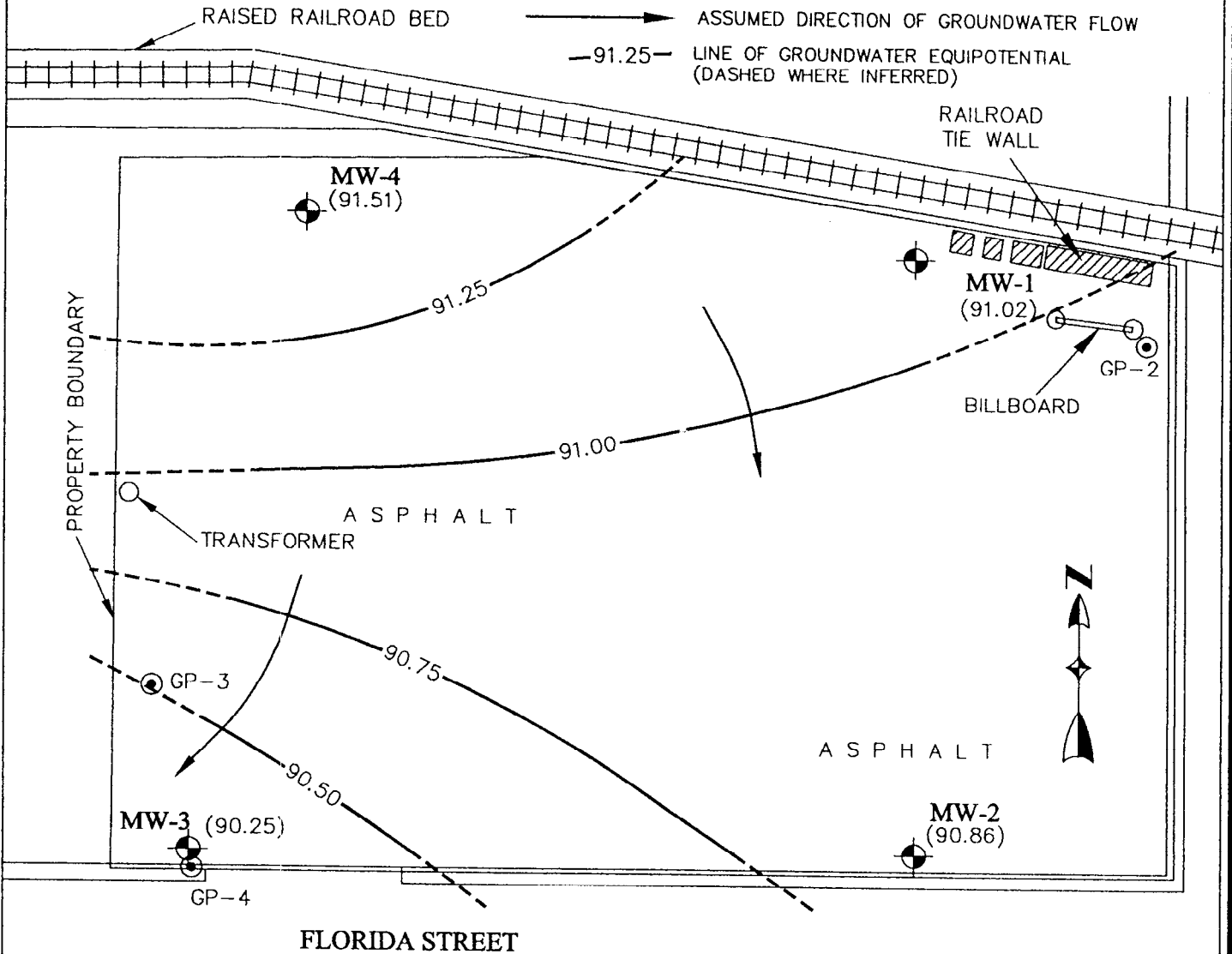
GZA PROBE BORING ADVANCED 12/21/98



ASSUMED DIRECTION OF GROUNDWATER FLOW



LINE OF GROUNDWATER EQUIPOTENTIAL (DASHED WHERE INFERRED)



CITY OF MILWAUKEE FIRE DEPARTMENT

Notes

1. Site Map is based on measurements collected by GZA on December 12, 1998.
2. Monitoring well elevation data based on local site datum. Temporary benchmark (Elev. assumed at 100) at hydrant on northeast corner of the intersection of Florida St. & 1st St.

GROUNDWATER TABLE CONTOUR MAP
APRIL 7, 1999

106-124 W. FLORIDA ST.
MILWAUKEE WISCONSIN

SCALE 1" = 30'

0 15 30

APPROXIMATE

© 1999 GZA GeoEnvironmental, Inc.

DRAWN BY: RPK
REVIEWED BY:
DATE: 5/10/99
FILENAME: H:\DWG\150361\FIG1-5.DWG



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FILE NO.
150361.00

FIGURE NO.

5

TABLE 4
GROUNDWATER CHEMISTRY SUMMARY
 Florida Street Property
 Milwaukee, Wisconsin

Well	Parameter/ Date Sampled	Volatile Organic Compounds									Natural Attenuation Field Data			
		Benzene ug/L	Toluene ug/L	Ethyl-benzene ug/L	Xylenes ug/L	MTBE ug/L	1,2,4 TMB ug/L	1,3,5-TMB ug/L	Lead ug/L	GRO ug/L	DO ppm	Redox millivolts	Temp °C	pH
	NR 140 ES	5	343	700	620	60			15					
	NR 140 PAL	0.5	68.6	140	124	12			1.5					
MW-1	12/21/98	<0.5	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	28.7	NA	NM	NM	NM	NM
	02/11/99	<0.5	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	2.35	NA	NM	NM	NM	NM
	04/07/99	<2	<5	<5	<5	<3	<5	<5	<1.0	<50.0	1.51	-238	10.7	7.76
MW-2	12/21/98	<0.5	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	1.78	NA	NM	NM	NM	NM
	02/11/99	<0.5	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	NA	<50.0	NM	NM	NM	NM
	04/07/99	<2	<5	<5	<5	<3	<5	<5	<1.0	<50.0	1.33	-248	11.3	8.06
MW-3	12/21/98	92.2	3.70	1.07	9.07	<1.0	5.10	1.18	1.12	NA	NM	NM	NM	NM
	02/11/99	14.0	<1.0	1.33	4.74	<1.0	2.78	1.06	<50.0	231	NM	NM	NM	NM
	04/07/99	23.0	0.572	0.883	4.55	3.70	2.13	1.12	<1.0	294	1.28	-231	10.6	7.1
MW-4	12/21/98	<0.5	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	NA	NM	NM	NM	NM
	02/11/99	<0.5	<1.0	<1.0	<1.0	<1.0	<1.0	<1.0	NA	86	NM	NM	NM	NM
	04/07/99	<2	<5	<5	<5	<3	<5	<5	<1.0	<50.0	1.86	-229	11.2	7.78
GP-2	04/07/99	<2	<5	<5	<5	<3	<5	<5	1.39	<50.0	NM	NM	NM	NM
GP-3	04/07/99	<2	<5	<5	<5	62.7	<5	<5	1.41	<50.0	NM	NM	NM	NM
GP-4	04/07/99	<2	<5	<5	<5	9.83	<5	<5	1.81	<50.0	NM	NM	NM	NM

Notes:

MW = Monitoring Well
 GP = Geoprobe Point
 GW = Groundwater
 TMB = Tri-methyl Benzene
 MTBE = Methyl Tertiary-butyl Ether
 GRO = Gasoline Range Organic Compounds
 DO = Dissolved Oxygen
 ug/L = micrograms/Liter
 ppm = Parts per million
 °C = Degrees Celcius
 NR 140 ES = Wisconsin Adm. Code Ch. NR 140 Enforcement Standard (Rev. December 1998)
 NR 140 PAL = Wisconsin Adm. Code Ch. NR 140 Preventative Action Limit (Rev. December 1998)
 NA = Not analyzed
 NM = Not Measured
 Shaded = Exceeds NR 140 Enforcement Standard